

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
) RM-8785
Close Captioning Requirements for)
Computer Systems Used as Television)
Receivers)

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**REPLY COMMENTS OF THE
INFORMATION TECHNOLOGY INDUSTRY COUNCIL**

The Information Technology Industry Council ("ITI") herewith submits its reply to the comments filed in response to the above-captioned petition for rulemaking by the National Center for Law and Deafness *et al.* ("Petitioners").¹ ITI supports the inclusion of closed captioning decoding capability in computers equipped with television ("TV") tuners to the extent that including such devices actually aids consumers. The Petitioners, however, seek to extend the closed captioning requirements to situations not contemplated or authorized by Congress. Under the circumstances, ITI fully supports the comments of the Consumer Electronics Manufacturers Association ("CEMA") filed in this docket, and urges the Commission to act consistent with the recommendations contained therein.

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¹Petition for Rulemaking In the Matter of Closed Captioning Requirements for Computer Systems Used as Television Receivers by the National Association of the Deaf, the National Center for Accessible Media, the National Center for Law and Deafness, Telecommunications for the Deaf, Inc., and VITAC, RM-8785 (filed Dec. 22, 1995) ["*Petition*"]. The *Petition* was placed on Public Notice by the Commission on April 1, 1996, and initial comments on the petition were received on May 1, 1996. See "Petitions for Rulemaking Filed," *FCC Public Notice*, Rpt. No. 2127 (Apr. 1, 1996).

In 1990, Congress adopted the Television Decoder Circuitry Act requiring all "apparatus designed to receive television pictures broadcast simultaneously with sound be equipped with built-in decoder circuitry designed to display closed-captioned transmissions."² Recognizing, however, that closed captioning was unintelligible for smaller screen size televisions, Congress explicitly limited application of Section 303(u) to apparatus where the "television picture screen is 13 inches or greater in size."³ While the application of Section 303(u) is relatively non-controversial with respect to conventional televisions, in 1995, at the request of manufacturers seeking to comply with Section 303(u), the FCC adopted an interpretation of the requirement for personal computers capable of displaying TV broadcast signals. The FCC concluded that closed captioning requirements would only be applied to "computer systems that are sold with a monitor that has a 'viewable picture' size of 13 inches or greater and that have the capability to receive television service." Further, the FCC interpreted the closed captioning requirements to apply only in cases where the computer system is "a single unit, with the computer and monitor in the same housing" or in cases where "computers and monitors are priced separately but sold together, *i.e.*, as part of the same business transaction."

The Petitioners now seek to have the closed captioning requirements extended to all TV capable computers, regardless of whether the closed captioning is visually intelligible to the user. While ITI supports increasing accessibility in situations where the mandate is meaningful to consumers, the requested extension of Section 303(u) directly contravenes

²47 U.S.C. §303(u) (1995).

³*Id.*

Congressional intent. The 13 inch limitation inherent in Section 303(u) exists because it is difficult to read closed captioning on smaller screens, and represents Congress' judgment as to the useful scope of closed captioning requirements. The FCC has interpreted this requirement consistent with Congress' intent that closed captioning apply in cases where the viewable picture (actual diagonal viewable area) is 13 inches or more. If, as petitioners imply, the diagonal size of the glass is used rather than viewable area, because most computers have some area of the glass that cannot be used to display pictures, the FCC would effectively be applying the requirement to systems where the closed captioning will not be easily legible, contrary to Congressional intent.

Moreover, Petitioners also seek to apply the closed captioning requirements to any TV capable computer (or plug-in card) that could *possibly* be used in conjunction with a monitor that has a viewable area larger than 13 inches. Because larger monitors exist, this extension of Section 303(u) would effectively mandate closed captioning capability for *any* TV capable computer that permits connection of an external monitor.⁴ Once again, however, this position is an extension of Section 303(u) well beyond Congress' intent and the FCC's authority. As noted in the comments, Section 303(u) does not apply to VCRs, because such devices do not have a "television picture screen" and therefore are outside of the legislation. Similarly, computers that are not sold in conjunction with monitors do not have a picture screen, and therefore should not fall under the scope of Section 303(u). Indeed, even if it can be presumed that a computer originally sold without a monitor will eventually be used in

⁴At the barest minimum, the FCC should not apply closed captioning requirements to all-in-one computers sold with screens that have a viewable area of less than 13 inches, regardless of whether external monitors can be attached.

conjunction with a monitor, many of these devices will be used with monitors that do not meet the minimum viewing area requirements imposed under Section 303(u), and therefore would be exempted from compliance if sold as an integrated unit.

In sum, the FCC's March 1995 policy statement is a reasonable and logical interpretation of Section 303(u). The statement properly balances Congressional intent and the limits of Section 303(u) with the benefits of offering closed captioning capabilities in a manner that is useful to the public. For the foregoing reasons, ITI urges the FCC to affirm the policy statement without alteration and to dismiss the Petition without further action.

Respectfully submitted,

**INFORMATION TECHNOLOGY
INDUSTRY COUNCIL**

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Dated: May 16, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 1996, I, Kim R. Riddick, caused copies of the foregoing "Reply Comments of the Information Technology Industry Council" to be mailed via first-class postage prepaid mail to the following:

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